United Nations CRC/C/SR.2059

Convention on the Rights of the Child

Distr.: General
14 January 2016

Original: English

Committee on the Rights of the Child
Seventy-first session

Summary record of the 2059th (Chamber B) meeting
Held at the Palais des Nations, Geneva, on Tuesday, 12 January 2016, at 3 p.m.

Chair: Mr. Mezmur

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third and fourth periodic reports of Oman (CRC/C/OMN/3-4; CRC/C/OMN/Q/3-4 and Add.1)

1. *At the invitation of the Chair, the delegation of Oman took places at the Committee table.*

2. **Mr. Al Kalbani** (Oman), introducing the combined third and fourth periodic reports of Oman, said that respect for human rights principles, including children's rights, underpinned his country's national policies. A number of significant laws had been enacted in recent years, including the Children's Act, the Juvenile Accountability Act and the Care and Rehabilitation of Persons with Disabilities Act. The Ministry of Social Development was responsible for implementing the international conventions to which Oman was a party insofar as they concerned women, children and persons with disabilities. Oman was taking measures to promote children's rights in all areas. For example, the child mortality rate had fallen from 9.8 deaths per 1,000 live births in 2013 to 7.9 in 2014 and the school enrolment rate across public and private schools had reached 96 per cent in 2013/14. The written replies to the list of issues contained a number of updated indicators attesting to other progress made.

3. The implementation of the Convention and its optional protocols was a priority for the Government, which had chalked up a number of important achievements in the past five years. For instance, Oman had withdrawn four of its five reservations to the Convention; its remaining reservation applied only to article 14, paragraph 1, on freedom of religion, and did not infringe on the rights of persons living in Oman to choose their religion. The Government had made particular efforts to implement the recommendations made by the Committee in its previous concluding observations and by other treaty bodies concerning the rights of children with disabilities. At the first national conference on childhood, held in February 2013, progress had been reviewed, strategic national priorities for childhood and the provisions of the future Children's Act had been discussed, and the combined third and fourth periodic reports had been adopted. Children had discussed matters of interest to them in parallel workshops and children's representatives had participated in all the meetings during the conference. Civil society organizations had participated in the conference, the preparation of the State party report, and the drafting of the Children's Act and the National Strategy for Childhood.

4. The Children's Act, which had been published in Arabic and English, had been disseminated among the relevant ministries, government bodies and international and regional organizations, and a range of awareness-raising activities had been conducted through the media. After consultation, a list of implementation measures for the Act had been drawn up. Work was under way on the National Strategy for Childhood, 2016-2027. The role of the National Committee for Family Affairs had been strengthened and the necessary funds assigned, and a technical secretariat had been appointed to oversee its functioning. The powers of the Follow-Up Committee on Implementation of the Convention on the Rights of the Child, composed of 24 experts from the ministries and civil society responsible for coordinating the implementation of the Convention and its optional protocols, had also been strengthened. The two committees cooperated closely and conducted joint projects on children's issues.

5. Pursuant to the Children's Act, the mechanism for dealing with child protection issues, including abuse in the home and child abandonment, had been reviewed; in 2015, commissions for the protection of children from abuse had been established in each governorate. In cooperation with the United Nations Children's Fund (UNICEF)

office in Oman, the Ministry of Social Development had launched a training programme for government staff working in the area of children's rights. In 2015, a handbook for children who were the victims of violence or abuse in the home had been published and circulated to child protection professionals. A toll-free telephone line had been set up to receive complaints on child protection matters and a series of visits to other Gulf and Arab States had been organized to share good practices in that area. Significant progress had thus been made in developing a robust child protection system.

6. Great importance was attached to early childhood development, and programmes had been established to evaluate, improve and promote childcare facilities and kindergartens and enhance training for childcare professionals. A national forum was planned for 2016 to discuss how to strengthen the role of early childhood facilities and increase the number of children attending them. Although the phenomenon of children deprived of a family environment was not widespread, programmes were in place to find alternative care for them, including in provincial centres, and to integrate them into society. Efforts were made to facilitate visits by children to parents in prison. Cultural projects and programmes were also being implemented, and a forum had recently been held on developing cultural services for children. There were plans to set up a number of childhood cultural centres — the first had already been opened in Nizwa — and publish special magazines for children. The Government strove to support parents in the education of their children through programmes to provide guidance to young married couples. The General Directorate of Family Development conducted awareness-raising campaigns and consultations on family affairs and a toll-free telephone line was available to give advice in that area. Oman was determined to pursue its efforts to support and protect children's rights from a social, psychological and cultural point of view, in conformity with the principle of the best interests of the child.

7. **Mr. Kotrane** (Country Rapporteur) said that Oman had made remarkable progress since its ratification of the Convention through the adoption of several laws to enhance the legal protection of children, including the Children's Act, which provided for a series of measures to promote the situation of children and monitor the implementation of the Convention and its optional protocols. However, the Committee was concerned that Oman had not yet ratified a number of international human rights instruments; it would be interested to know, in particular, whether the State party had any plans to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. He invited the delegation to comment on the fact that, despite the constitutional provision that international treaties and agreements were part of the law of the country, they did not seem to take precedence over domestic laws. What measures were planned to give clear status to international instruments, including the Convention, and ensure that they did take precedence over national laws? Noting that the Convention had not been directly invoked in the domestic courts, he wondered what efforts were being made to increase awareness of the provisions of the Convention.

8. The Committee welcomed the withdrawal by the State party of its reservations to articles 9, 21 and 30 of the Convention but would be interested to know if it had any plans to withdraw the reservation to article 14, drawing on the experience of several other countries in the region that had done so. Did the State party intend to withdraw its reservations to articles 9 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women, which dealt with equality in marriage and family relations, including all matters relating to children, and equal rights for women and men with respect to the nationality of their children? Expressing concern with regard to the independence of the National Human Rights Commission, he asked what measures were planned to ensure that it complied with the Paris Principles and had the

mandate to receive, investigate and address complaints from the general public, including from children and their parents.

9. Turning to the issue of non-discrimination, he asked whether the State party intended to take any measures — for example, reviewing the requirements contained in article 20 of the Civil Status Act — to eliminate all forms of discrimination against children born out of wedlock and to ensure that such children could avail themselves of all available methods, including DNA testing, to determine their parentage. He also asked what plans the State party had made to ensure that the right of children to preserve their identity, including nationality, name and family relations, was respected, and that mothers could pass Omani nationality on to their children on an equal basis with fathers.

10. The Committee was concerned by the definition of the term "violence" in the Children's Act, as it seemed worded in such a way as to permit the continued administration of corporal punishment in the home. What legislative measures were being considered to ban the corporal punishment of children explicitly and to change public attitudes towards its use?

11. **Ms. Kaazova** (Country Rapporteur) said that she would appreciate clarification of the current status of the National Strategy for Childhood. Had it ultimately been adopted? She wondered how work on children's issues done by such different institutions as the Ministry of Health and the Ministry of Manpower was coordinated and whether the State party intended to set up a single body to coordinate work on all the issues that fell within the scope of the Convention. She also wondered whether it had any plans to draw up its budgets in such a way as to ensure that the resources earmarked for children's issues could be identified more clearly, a practice that could make it possible to determine whether financing levels and the outcome of any given project were in any way correlated.

12. She was under the impression that the authorities were making considerable efforts to disseminate knowledge of the Children's Act. It would be interesting to know whether similar efforts, in particular in the schools, were being made in respect of the Convention. She asked what was being done to continue combating early marriage, how the principle of the best interests of the child was applied in the State party — in its courts, for example — and how it ensured that children's views were given due weight, particularly in family settings. She also wondered how the authorities reconciled the application of that principle and the situation of the non-Omani children who were prevented from being reunited with their parents.

13. The number of children, particularly those between 15 and 18 years of age, who had died or been injured in road accidents in the State party in recent years was so high as to constitute a violation of the right to life. She asked at what age adolescents could obtain a driver's licence, whether they simply drove without a licence, and what measures the authorities were taking to address the problem, which was made all the more serious by high rates of motor vehicle ownership.

14. It was not clear to her that the definition of violence in the Children's Act was as all-encompassing as that contained in article 19 of the Convention. It appeared not to cover emotional or psychological violence, for example. She would appreciate information on whether the courts had dealt with any cases of sexual abuse of children and, if so, what the results had been, what treatment had been offered to victims and what preventive measures had been taken. In that connection, she asked what was being done to address the problem of the sexual abuse of children in family settings. Victims of such abuse were never prosecuted, were they?

15. **Ms. Ayoubi Idrissi** said that she would appreciate information on the efforts made by the State party to facilitate the provision of birth certificates for children of

migrant workers. She also wished to know exactly what kind of threat to public order and morality would justify a restriction of the right to freedom of thought, conscience and religion and what was being done to halt the gradual erosion of the rights to freedom of expression, peaceful assembly and association, which had accelerated considerably in the wake of the State party's ratification of the Gulf Cooperation Council Security Agreement in early 2013.

The meeting was suspended at 4.05 p.m. and resumed at 4.35 p.m.

16. **Mr. Al Kalbani** (Oman) said that the Ministry of Social Development worked in close cooperation with other public agencies and authorities on issues related to children's rights. The Children's Act, for example, had been drafted by experts working for the Ministry and submitted to UNICEF for comments. It had then been reviewed by the State Council, the Shura Council and law-making bodies. The entire process had been one of lengthy debate. It had been a considerable accomplishment, however, not least because it had led to the establishment of a body responsible for monitoring the implementation of the Convention throughout the country.

17. **Mr. Al Hinai** (Oman) said that there were national mechanisms, including the toll-free helpline 1100, for reporting ill-treatment and abuse. Hospitals reported cases of ill-treatment and abuse to the police, the Public Prosecution Service and the Family Protection Department. In addition, under the Children's Act, teachers and other adults working with children were required by law to report child abuse.

18. The Ministry of Social Development made efforts to disseminate knowledge of the Convention in cooperation with a number of stakeholders. The support of NGOs and the media was enlisted, and the Ministry held yearly workshops to discuss domestic law, of which the Convention was an integral part.

19. The National Committee for Family Affairs developed national policies and defined strategies. The Follow-up Committee, for its part, was responsible for implementing the Convention, coordinating efforts to bring the country's laws into line with the Convention and making recommendations to the National Committee for Family Affairs.

20. Under the Children's Act, all births had to be recorded, and the Ministry of Health and the Civil Status Department had to be notified. Ratification of the Optional Protocol on a communications procedure would depend on a number of factors, including the resources available to the country.

21. **Ms. Al Habsi** (Oman) said that, since 2010, the Ministry of Education had been working with UNICEF and civil society organizations to incorporate a human rights perspective in all primary and secondary school materials. As a result, children were now introduced to the rights and principles enshrined in the Convention from 6 years of age onwards and teachers were encouraged to organize excursions and activities which developed their awareness further. The Ministry had also recently launched a child-friendly schools initiative that established national parameters and guidelines and was designed to foster social participation in child-friendly programmes and healthy interaction between schools and the wider community. The aim was to disseminate knowledge of the Convention throughout the country. To that end, a national team had been set up to deliver training and the programme was currently being rolled out in five governorates, including, in addition to Muscat, the remote Governorate of Dhofar, chosen specifically because of its less accessible geography and lower level of development. New manuals had been developed to support the initiative, including a cartoon-based guidebook for children, entitled *I Know My Rights*, published in 2015.

22. **Ms. Al Hatmi** (Oman) said that the Government was engaged in a far-reaching initiative, involving various ministries, the police force, the private sector and civil society, to identify the causes of the large number of road traffic accidents in Oman and develop plans and policies to reduce their frequency. To date, its efforts had included road safety awareness-raising campaigns, training programmes for children and adults, the development of new guidelines and manuals designed specifically for use in schools, the establishment of a dedicated road safety centre and the designation of an annual road safety day. The initiative was ongoing but had already yielded tangible results, significantly reducing both the number of accidents and the number of fatalities.

23. **Ms. Al Bulushi** said that, pursuant to article 76 and article 80 of the Constitution, international treaties had the force of law once ratified and State bodies were prohibited from issuing rules, regulations or instructions that contravened their provisions. The Government therefore accorded great importance to the alignment of national and international laws. The Children's Act, for example, enshrined all the rights and principles established in the Convention.

24. As in the case of all reservations to international instruments, the possibility of withdrawing the reservation to the provisions of the Convention that gave children the right to freedom of religion would need to be assessed carefully by the State's legislative institutions, in consultation with civil society organizations, prior to any decision. Such decisions took time but the possibility would be duly considered. The possibility of ratifying other international instruments, including the International Covenant on Economic, Social and Cultural Rights and the International Convention for the Protection of All Persons from Enforced Disappearance, was also on the agenda.

25. The Constitution established that all citizens were equal and outlawed discrimination on any grounds. Accordingly, there was no discrimination against children born out of wedlock, who enjoyed full nationality and citizenship rights, or against children with disabilities, who benefited from wide-ranging rehabilitation and protection measures. Discrimination was also expressly outlawed in the Children's Act.

26. The principle of the best interests of the child was amply reflected in national legislation, and had been even before ratification of the Convention. For example, the Labour Act prohibited the employment of children under 15 years of age and barred all minors from potentially hazardous work; women in the private sector were guaranteed 50 days' maternity leave in order to guarantee adequate care for their child immediately before and after birth; juvenile offenders under 16 years of age were subject to the jurisdiction of special police officers and special courts, and were excluded from the death penalty; abandoned children and children with no known parents had the right to a foster family; and social protection measures were in place to prevent such children from being drawn into begging.

27. The question of whether Omani women married to foreign husbands should be permitted to transfer their nationality to their children was a sovereign, internal issue. Under Omani law, citizenship could be transferred through the father only; children born to a non-Omani man therefore took their father's nationality. However, children born to an Omani woman in Oman had the right to citizenship if their father was unknown and all children born in Oman had access to all social services, irrespective of their nationality.

28. **Ms. Khazova** asked whether the committee responsible for implementing the Convention might accurately be described as a national monitoring and coordinating body and whether it was responsible for overseeing all children's rights. Referring to

the State party's commendable awareness-raising efforts, she asked whether it could reasonably be assumed that all Omani children were now familiar with the Convention, including those living in remote rural areas, or whether certain regions were yet to benefit from or had been only partly covered by the campaign. She would also like to know how the authorities dealt with complaints of domestic violence submitted by children through the relevant telephone helpline.

29. **Mr. Kotrane** said that, while he acknowledged the State party's efforts to facilitate access to citizenship, the prerequisites for citizenship should be the same for all children with at least one Omani parent. Highlighting the progress achieved in that area in Algeria and Tunisia, where all children born to a father or mother who was a national of the country automatically obtained nationality, he urged the State party to address the discrimination still inherent in its citizenship laws.

30. **Mr. Al Kalbani** (Oman) said it was hoped that the committee responsible for implementing the Convention would, once fully operational, have representatives and working groups active throughout the country. Although he was unable to confirm that all Omani children were aware of their rights under the Convention, the booklets developed in cooperation with UNICEF had been issued to all schoolchildren between 6 and 18 years of age, which, he believed, was a major achievement.

31. **Ms. Al Habsi** (Oman) said that numerous educational activities and campaigns to raise awareness of the rights of the child had been organized in recent years. Specific events had included workshops and seminars, as well as radio, television, newspaper and social media campaigns. Over 5,000 girls and boys had participated in such events, which had been run by schools, mosques and civil society organizations as well as by State bodies.

32. **Mr. Al Kalbani** (Oman) said that a large number of NGOs were active in Oman, including around 60 women's organizations which had an important role in promoting children's rights and guaranteeing favourable conditions for their development. The NGO ranks included organizations dedicated to supporting children with blood diseases, promoting road safety, organizing cultural activities and improving educational opportunities.

33. Although the Government had had little or no information and communications technology resources to support its awareness-raising and dissemination efforts at the time of ratification, efficient and effective use of new technologies had since become central to those efforts. The authorities endeavoured to place the most appropriate technologies at the disposal of all citizens, including children, and had incorporated the use of laptops and tablets, inter alia, into educational curricula. Technology was also deployed to good effect within the court system.

34. **Ms. Al Bulushi** (Oman) said that children were legally permitted to establish associations for peaceful purposes, provided that those associations were not at variance with national law. Children were also entitled to participate in cultural activities, such as scout groups, in both public and private schools.

35. **Ms. Al Habsi** (Oman) said that a standard school curriculum was taught in all schools throughout the country. All children, including those living in remote areas, were educated about the Convention as it was part of that curriculum.

36. **Ms. Al Hatmi** (Oman) said that more than 99 per cent of pregnant women had access to health-care facilities. Therefore, the vast majority of births took place within those facilities, and documentation on all such births was sent to the relevant authorities. If the birth had not yet been registered within a given time frame, follow-up measures were taken. Clear policies on birth registration had been established and were being implemented by the Ministry of Health.

37. **Mr. Al Hinai** (Oman) said that, while there was an independent monitoring mechanism in place to monitor the work of all public institutions, the role of the Follow-up Committee on Implementation of the Convention on the Rights of the Child was one of coordination and follow-up rather than monitoring. Direct action was taken in the event of a complaint of violence against a child. Care was provided for the child, and rehabilitation measures targeting the child's family members were also taken.

38. **Ms. Al Yazidy** (Oman) said that child abuse was defined in the Children's Act as the premeditated physical, psychological or sexual abuse of a child or a failure on the part of persons responsible for the child to act to prevent such abuse. Children enjoyed the right to information, including through the use of information and communications technology. Intellectual property laws did not impose any minimum age limit, which meant that children had the same intellectual property rights as adults. Children also enjoyed freedom of expression, including in rehabilitation centres and in institutional care settings, provided that what they expressed did not violate public order and morals.

39. The legal age of marriage was 18 years in Oman, and less than 1 per cent of marriages involved persons under that age. The average age of marriage was 26 years for women and 29 years for men. A number of ongoing programmes highlighted the negative effects of early marriage.

40. **Mr. Al Rahbi** (Oman) said that Oman was the only country in the Middle East that had accepted a visit by the Special Rapporteur on the rights to freedom of peaceful assembly and of association. Unfortunately, the Special Rapporteur had gone beyond the scope of his mandate, and the press release on his visit had been prepared even before the visit had taken place. The Special Rapporteur had not met with any of the women's associations, journalists' associations or trade unions in the country, and many of the comments made by the State authorities during the visit had not been taken into account in the visit report. He found it regrettable that the report had not been more balanced.

41. The National Human Rights Committee had only recently been established. While it had been granted B-status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, he was hopeful that in the future it would achieve A-status and would become a very effective institution. Indeed, it already performed all the roles required of A-status institutions.

42. **Ms. Khazova**, while commending the State party on the efforts it had made in the area of child protection, said that she wished to know more about the criteria used when deciding whether to remove children from their families. She asked whether any counselling was provided to families in difficult situations with a view to avoiding the removal of the child from the family.

43. She was very concerned about the fate of children born out of wedlock, who were reportedly often abandoned by their mothers out of fear of criminal punishment. She wished to know what kind of care settings those children were placed in and whether they could maintain links with their biological mother and other relatives. She requested further information about the monitoring of foster homes and alternative care facilities and the steps taken in the event of a violation of the rights of children in such care. She asked to what extent the care provided in foster homes and alternative care settings prepared children to live as independent adults.

44. She wished to know the fate of children whose parents were in prison and whether they were allowed to maintain contact with those parents. She also asked about the fate of children born in prison to incarcerated women.

45. She would be grateful for information on the mental health services available to children suffering from depression or other mental health problems. She wondered how behavioural problems exhibited by children were handled in the State party. Lastly, she asked whether it was true that there was no legal framework for conducting proper age assessments of refugees and asylum seekers and for ensuring their access to education and health services.

46. **Mr. Kotrane** asked why the obligation to report violence against children applied only to professionals working with children and not to the general public. He remained concerned that some provisions of the Personal Status Act were not in the best interests of the child, such as the provision that disallowed guardianship if the parent was of a different religion than the child. He encouraged the State party to review the provisions stipulating which family members should be granted custody or guardianship in the event of a separation. It appeared that, while either parent could be granted custody, only the father could be granted guardianship. Noting that the Committee on the Elimination of Discrimination against Women had previously expressed concern about discriminatory provisions in the Act, he asked whether the State party was considering amending those provisions.

47. Although some reforms had been made to the juvenile justice system, shortcomings still remained, such as the low age of criminal responsibility, which still stood at 9 years in the State party. He wished to know what measures were being taken to speed up the process of raising the age of criminal responsibility to 12 years.

48. **Ms. Oviedo Fierro** said that, given the excellent care provided to pregnant women in the State party, it seemed counterproductive to then provide only 50 days of maternity leave. She asked whether the Government was considering once again mandating three months of maternity leave, as it had done in the past.

49. She asked whether it was true that breastfeeding breaks were being eliminated, and she wished to know how the State party was implementing the International Code of Marketing of Breast-milk Substitutes. She would like the delegation to comment on reports of water contamination caused by the oil industry.

50. While commending the many improvements in the quality of health care, she was concerned that those improvements might not have reached some of the more remote parts of the country, and that children and adolescents in those areas might consequently suffer from health problems such as diarrhoea and anaemia. She was also concerned about the maternal mortality rate in some remote areas.

51. The data provided on adolescent health were rather outdated. She therefore wished to know whether the educational programmes on HIV/AIDS and other sexually transmitted diseases were still being carried out and whether mental health concerns among adolescents were being addressed. She also wished to know more about the sexual and reproductive health services provided in the State party.

52. **Mr. Nelson** said he was concerned by the fact that children who were forced into begging by their caregivers were being arrested and even detained for short periods. He asked what measures were being taken to address the problem of children begging in the streets.

The meeting rose at 6 p.m.